

CITY OF ISSAQUAH

MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

Description of Proposal: Proposal to construct two commercial buildings on a 3.36 acre site; a 2,700 SF restaurant with a drive-through and an 11,220 SF building for multiple retail tenants. The North Fork of Issaquah Creek and a Category II wetland are located along the west portion of the site, and the site is within the shoreline jurisdiction of Issaquah Creek. Proposed development would be accessed from two driveways off 221st Place SE and 91 on-site parking stalls are proposed.

Proponent: Derek Doke
238 246th Way SE
Sammamish, WA. 98074

Permit Number: PLN12-00065, 66, 67 - Issaquah Plaza 221

Location of Proposal: 5611 221st Place SE

Lead Agency: City of Issaquah

Determination: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Comments: This DNS is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 14 days. Written comments may be submitted between **April 25, 2013** and **May 8, 2013**. The Responsible Official will reconsider the DNS based on timely comments and may retain, modify, or if significant adverse impacts are likely, withdraw the DNS.

Appeals: You may appeal this determination by filing a Notice of Appeal with the Issaquah Permit Center located at 1775 12th Ave. NW, Issaquah between **May 9, 2013** and **May 22, 2013**. Appellants should prepare specific factual objections. Contact the SEPA Responsible Official to ask about the procedures for SEPA appeals.

Appeals of this SEPA determination must be consolidated with appeal of the underlying permit, per IMC 18.04.250.

Notes:

- 1) This threshold determination is based on review of a site plan, preliminary drainage/grading plan, utility plan, and landscape plan received February 7, 2013; environmental checklist received February 7, 2013; wetland and stream information including wetland data and rating forms received July 7, 2010 (Gary Schulz), wetland/stream peer review received September 14, 2010 (The Watershed Company), response to peer review received January 10, 2011 (Gary Schulz); Preliminary Storm Drainage Calculations and Level 1 Off-Site Drainage Investigation received October 12, 2012 (Core Design); and other documents in the file.
- 2) Issuance of this threshold determination does not constitute approval of the permit. The proposal will be reviewed for compliance with all applicable City of Issaquah codes, which regulate development activities, including the Land Use Code, Critical Area Regulations, Shoreline Master Program, Building Codes, Clearing and Grading Ordinance, and Surface Water Design Manual.

Findings:

1. Environmental Critical Areas – The North Fork of Issaquah Creek and a Category II wetland (Wetland A) are located along the west portion of the site. The North Fork of Issaquah Creek is a Class 2 stream with salmonids and requires a 100-foot buffer. Wetland A, a Category II wetland, requires a 75-foot buffer. The mainstem of Issaquah Creek is located off-site further to the west, but the site is located within the shoreline jurisdiction of Issaquah Creek. The applicant's wetland delineation boundary, wetland rating, and the determination of the stream ordinary high water mark (OHWM) were independently peer reviewed and confirmed.

The applicant proposes to reduce the Wetland A buffer area by 3,769 SF; reducing the buffer width by a maximum of 25%, from 75 feet to 56.25 feet. The reduced buffer area would be enhanced with native vegetation. This is consistent with the Issaquah Critical Areas Regulations. The rationale is that enhancement of an existing degraded buffer area with native vegetation improves buffer functions equal to or greater than applying the larger standard buffer width.

The proposal also reduces a small portion of the North Fork of Issaquah Creek stream buffer along the south boundary of the development site. The stream buffer would be reduced by approximately 1,807 SF, from a 100-foot buffer width to a 75-foot buffer width. The reduced stream buffer would be enhanced with native vegetation. Several parking stalls are proposed in the reduced stream buffer area. The Issaquah Critical Areas Regulations require that an applicant first demonstrate that a site plan avoids and minimizes a stream buffer reduction. The proposed amount of parking exceeds code requirements and therefore the stream buffer reduction area along the south part of the property could be eliminated without impacting the site plan. The site plan should be revised to provide a 100-foot buffer width from the North Fork of Issaquah Creek.

The Shoreline Master Program (SMP) requires commercial development to provide public access, and encourages trails and view platforms in the outer buffer area to provide for public access and to promote the shoreline area as an amenity to the development. A trail is proposed to the west of the parking lot and includes three look-out areas. The trail would be accessible from SE 56th Street and the proposed development includes direct pedestrian access through the development and parking lot to the trail. Trails and look-outs in buffer areas should avoid removal of existing trees and native vegetation, and requires enhancement of buffer vegetation to mitigate buffer impacts. Buffer vegetation should be planted along the trail and look-outs to control circulation and intrusions into the wetland and stream buffer areas.

Final wetland/stream buffer enhancement plans are required for approval by the Issaquah Development Services Department (DSD) prior to issuing construction permits. Enhancement plans shall be prepared by a qualified professional. Final plans shall include a detailed planting plan, performance standards for monitoring success of enhancement planting, and details for the trail and look-out areas. The following elements shall be addressed:

- 1) Location of trail and look-out areas – Alignment of the trail and location of look-out areas shall avoid removal of existing trees. There shall be clear connections and signage to the trail from the development. The location of the trail and look-out areas shall provide for views and also consider visibility for safety. The trail shall be a pervious surface.
- 2) Signs locations shall be shown on the final enhancement plans to promote public access to the shoreline and connections from the public streets and through the development. Wood

split-rail fencing shall be shown on the plans to control pedestrian circulation and intrusions into the wetland and stream buffer areas.

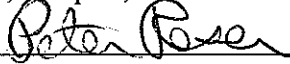
- 3) Enhancement planting – Enhancement of the wetland/stream buffer area with native vegetation is required for the wetland buffer reduction, to mitigate impacts of the trail and look-out areas within the buffer, and to improve the wetland/stream buffer functions over existing conditions. The amount of required buffer planting shall be based on enhancing 15,000 SF of buffer area, using the planting density from the King County Critical Areas Mitigation Guidelines. The Guidelines require trees 9-feet on center (0.012/SF) and shrubs at 6-feet on center (0.028/SF), which equates to 180 trees and 420 shrubs. The enhancement plantings shall be spread over the wetland and stream buffer area in naturalistic clusters. The plantings shall be located to protect the on-site wetland and stream areas where there is a currently a lack of vegetative cover and to control pedestrian circulation and intrusions into buffer areas from the trail and look-out areas. Planting design shall be coordinated with the design of the trail and look-out areas; to consider visibility for safety and appropriate screening.
 - 4) Performance Standards – The final wetland/stream buffer enhancement plans shall include performance standards to be used for monitoring the success of the enhancement planting. The performance standards shall be consistent with the King County Critical Areas Mitigation Guidelines.
 - 5) As-built plans of the buffer enhancement shall be provided to the Development Services Department (DSD) prior to final construction permit sign-off. The as-built plans shall show field changes to plant locations and plant substitutions. A qualified professional shall verify in writing that the enhancement plantings have been installed per the approved plans.
 - 6) A Native Growth Protection Easement (NGPE) is required to be recorded on the property title in order to protect the wetland and stream buffer areas from development and alteration in perpetuity. The Development Services Department (DSD) can provide specific language for the NGPE. The applicant shall record the NGPE with King County and provide a copy to DSD prior to final construction permit sign-off.
 - 7) Permanent survey stakes shall be set to demarcate the boundaries of the critical area buffer.
 - 8) A 5-year maintenance/monitoring period is required. The applicant shall provide a maintenance/monitoring bond equal to 50% of the cost of the plants, labor and 5-year monitoring/maintenance costs. The maintenance/monitoring bond shall be submitted to the Development Services Department (DSD) prior to final construction permit sign-off.
2. In order to avoid erosion and sedimentation impacts to critical areas, Temporary Erosion and Sedimentation Control Plans (TESC) shall be approved by the City prior to issuance of construction permits. Erosion controls shall be installed prior to beginning construction and shall be maintained for the duration of the construction.
 3. No trees shall be removed except as shown on the approved plans. Trees to be retained must be protected from construction activity with approved tree protection measures in place prior to any other construction or demolition activities. Tree protection measures may be installed in conjunction with TESC measures.

4. A part of the development site is located within the 100-year floodplain. A flood hazard permit will be required and will address compensatory storage to mitigate impacts of fill inside the 100-year floodplain.
5. Traffic – A Traffic Concurrency Analysis was completed for the proposed development and a Certificate of Transportation Concurrency issued (CON10-00011). The analysis concluded the proposal would generate 70 new PM peak hour trips. The traffic generated would result in minor delays to turn movements at intersections and no mitigation is required beyond payment of Transportation Impact Fees.
6. Public Services - The proposal would have a potential impact on public services, including police and general government buildings. IMC Chapter 18.18, Methods to Mitigate Development Impacts, provides alternatives to mitigate for direct impacts of proposed development. The City may approve a voluntary payment in lieu of other mitigation. Rate studies for police facilities and general government buildings are included in IMC 18.10.260 as the City's SEPA policy base. The rate studies present the methodology and formulas for determining the amount of the mitigation fee commensurate with the proposed land use and project impacts. The applicant should mitigate for potential impacts on public services with a voluntary contribution in the amount of \$46.67 per 1,000 SF of new building area for the General Government Buildings Mitigation Fee, and for the Police Mitigation Fee \$2,882.04 per 1,000 SF for the restaurant and \$863.45 per 1,000 SF for retail uses. Applicant objections to the voluntary payment should be made during the SEPA comment period.

Mitigation Measures: The Mitigated Determination of Nonsignificance is based on the checklist received February 7, 2013 and supplemental information in the application. The following SEPA mitigation measures shall be deemed conditions of the approval of the licensing decision pursuant to Chapter 18.10 of the Issaquah Land Use Code. All conditions are based on policies adopted by reference in the Land Use Code.

1. The site plan shall be revised to provide a 100-foot stream buffer width from the North Fork of Issaquah Creek. The stream buffer of the North Fork of Issaquah Creek is proposed to be reduced from 100 feet to 75 feet in the southwest corner of the parking lot. An applicant must first demonstrate that a site plan avoids and minimizes reductions to stream buffer width standards. Several parking stalls are proposed in the reduced stream buffer area and the overall amount of parking exceeds code standards. The stream buffer reduction could be eliminated without impacting the site plan.
2. Final wetland/stream buffer enhancement plans are required for approval by the Issaquah Development Services Department (DSD) prior to issuing construction permits. Enhancement plans shall be prepared by a qualified professional. Final plans shall include a detailed planting plan, performance standards for monitoring success of enhancement planting, and details for the trail and look-out areas. The following elements shall be addressed:
 - 1) Location of trail and look-out areas – Alignment of the trail and location of look-out areas shall avoid removal of existing trees. There shall be clear connections and signage to the trail from the development. The location of the trail and look-out areas shall provide for views and also consider visibility for safety. The trail shall be a pervious surface.
 - 2) Signs locations shall be shown on the final enhancement plans to promote public access to the shoreline and connections from the public streets and through the development. Wood split-rail fencing shall be shown on the plans to control pedestrian circulation and intrusions into the wetland and stream buffer areas.

- 3) Enhancement planting – Enhancement of the wetland/stream buffer area with native vegetation is required for the wetland buffer reduction, to mitigate impacts of the trail and look-out areas within the buffer, and to improve the wetland/stream buffer functions over existing conditions. The amount of required buffer planting shall be based on enhancing 15,000 SF of buffer area, using the planting density from the King County Critical Areas Mitigation Guidelines. The Guidelines require trees 9-feet on center (0.012/SF) and shrubs at 6-feet on center (0.028/SF), which equates to 180 trees and 420 shrubs. The enhancement plantings shall be spread over the wetland and stream buffer area in naturalistic clusters. The plantings shall be located to protect the on-site wetland and stream areas where there is a currently a lack of vegetative cover and to control pedestrian circulation and intrusions into buffer areas from the trail and look-out areas. Planting design shall be coordinated with the design of the trail and look-out areas; to consider visibility for safety and appropriate screening.
- 4) Performance Standards – The final wetland/stream buffer enhancement plans shall include performance standards to be used for monitoring the success of the enhancement planting. The performance standards shall be consistent with the King County Critical Areas Mitigation Guidelines.
- 5) As-built plans of the buffer enhancement shall be provided to the Development Services Department (DSD) prior to final construction permit sign-off. The as-built plans shall show field changes to plant locations and plant substitutions. A qualified professional shall verify in writing that the enhancement plantings have been installed per the approved plans.
- 6) A Native Growth Protection Easement (NGPE) is required to be recorded on the property title in order to protect the wetland and stream buffer areas from development and alteration in perpetuity. The Development Services Department (DSD) can provide specific language for the NGPE. The applicant shall record the NGPE with King County and provide a copy to DSD prior to final construction permit sign-off.
- 7) Permanent survey stakes shall be set to demarcate the boundaries of the critical area buffer.
- 8) A 5-year maintenance/monitoring period is required. The applicant shall provide a maintenance/monitoring bond equal to 50% of the cost of the plants, labor and 5-year monitoring/maintenance costs. The maintenance/monitoring bond shall be submitted to the Development Services Department (DSD) prior to final construction permit sign-off.
3. In order to avoid erosion and sedimentation impacts to critical areas, Temporary Erosion and Sedimentation Control Plans (TESC) shall be approved by the City prior to issuance of construction permits. Erosion controls shall be installed prior to beginning construction and shall be maintained for the duration of the construction.
4. No trees shall be removed except as shown on the approved plans. Trees to be retained must be protected from construction activity with approved tree protection measures in place prior to any other construction or demolition activities. Tree protection measures may be installed in conjunction with TESC measures.
5. The applicant should mitigate for potential impacts on public services with a voluntary contribution in the amount of \$46.67 per 1,000 SF of new building area for the General Government Buildings Mitigation Fee, and for the Police Mitigation Fee \$2,882.04 per 1,000 SF for the restaurant and \$863.45 per 1,000 SF for retail uses. The impact fee costs will be determined based on the new building area approved in the building permit application. The applicant should pay the voluntary contribution prior to issuance of building permits.

Responsible Official: Peter Rosen
Position/Title: Environmental Planner
Address/Phone: P.O. Box 1307, Issaquah, WA 98027-1307 (425) 837-3094
Date: 4/24/2013 **Signature:** 

cc: Washington State Department of Ecology
Muckleshoot Indian Tribe
U.S. Army Corps of Engineers
Washington State Department of Fish and Wildlife
Issaquah Development Services Department
Issaquah Public Works Engineering and Parks and Recreation Departments